**THE HON'BLE SRI JUSTICE N.V. RAMANA**

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**Writ Petition No.2901 of 2006**

**Dated: 28.04.2006**

Between:

Pulivela Venkata Appa Rao, S/o Appa Rao, R/o Kotta Reddy Kancharapalem, Visakhapatnem.

**.... PETITIONER**

AND

The Chairman, Visakhapatnam Port Trust, Visakhapatnam and another.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

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**Writ Petition No.2901 of 2006**

**Order**:

Questioning the action of the respondents in not initiating the enquiry proceedings even after lapse of six months from the date of his suspension order, the petitioner filed the present writ petition.

The petitioner is working as a Lascar Grade-II with the respondents-Port Trust. Based on the criminal complaint filed against the petitioner by the police in Crime No. 34 of 2005 under Section 379 IPC, the petitioner was placed under suspension with effect from 09.07.2005. The grievance of the petitioner is that even though he was suspended on 09.07.2005, the respondents have not initiated any disciplinary proceedings till date. Hence, the writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Port Trust.

It is unfortunate to note that even though the petitioner was suspended on 09.07.2005, the respondents-Port Trust have not taken any steps either to initiate disciplinary proceedings against the petitioner or to reinstate him into service till date. Without initiating any disciplinary proceedings, the petitioner cannot be placed under suspension for an indefinite period. The petitioner is under suspension from 09.07.2005, and till date the respondents have not taken any steps to initiate the enquiry proceedings, which reflects the sad state of affairs of the respondents-Port Trust. Learned Standing Counsel for the respondents-Port Trust also admitted that the respondents-Port Trust has not initiated any disciplinary proceedings against the petitioner so far.

In the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions.

The petitioner was placed under suspension on the ground that a criminal case has been registered against him, which is pending on the file of the Chief Metropolitan Magistrate, Visakhapatnam, as C.C. No. 470 of 2005. Inasmuch as disposal of the said criminal case may take some time, the respondents shall review the case of the petitioner for revocation of suspension order, keeping in view the fact no disciplinary proceedings have been initiated against him even though more than ten months had elapsed from the date he has been placed under suspension, within a period of three weeks from the date of receipt of a copy of this order, and pass appropriate orders. If they fail to do so, then the suspension order passed against the petitioner on 09.07.2005 shall automatically stand cancelled.

With the above directions, the writ petition is disposed of. No costs.

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**N.V. RAMANA, J.**

Date: 28.04.2006

Nsr/Ksr